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From: Deputy Assistant Judge Advocate General (Administrative Law)  
To: Staff Judge Advocates

Subj: SJA UPDATE 04-3, PROMULGATION OF THE MANUAL OF THE JUDGE  
ADVOCATE GENERAL (JAGMAN)

Ref: (a) Article 0105, U.S. Navy Regulations, 1990  
(b) 5 U.S.C. § 301  
(c) 10 U.S.C. §§ 801-940  
(d) Manual for Courts-Martial, United States, 2002 (MCM)  
(e) JAGINST 5800.7D  
(f) JAGINST 5219.1F

Encl: (1) Summary of Revisions

1. Purpose. To advise judge advocates of the promulgation of the new Manual of the Judge Advocate General (JAGMAN).

2. Background

a. Authority. The Judge Advocate General (JAG) issues the JAGMAN and publishes changes to it under the authority delegated in reference (a). Those sections of the JAGMAN concerning nondelegable or Department of the Navy (DON) policy matters beyond the authority of the JAG must be approved by the Secretary of the Navy (SECNAV). For example, SECNAV has retained approval authority for changes impacting individual service member rights and duties, principally within the military justice arena.

b. Scope. The JAGMAN contains regulations of the DON that are issued under the authority of references (b) through (d) and other statutes and regulations. It provides a single, concise source of authoritative information on matters of Naval administration under the cognizance of the JAG. It is intended for use by all Navy and Marine Corps commands and is one of the principal regulatory documents of the DON.

3. Discussion. Reference (e), which became effective 15 Mar 04, is a complete revision of the previous JAGMAN and should be read in its entirety. Portions of the previous JAGMAN have been incorporated in separate JAG Instructions with a limited distribution list. Enclosure (1) contains a summary of all revisions. Major highlights include:

a. Updated and modified Chapter I to comport with recent case law and statutory revisions to provide guidance regarding reimbursement of advanced educational assistance, proper handling of national security cases, reasonable availability of individual military counsel, closure

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of Article 32 hearings to the public, and the elimination of subject areas already adequately covered in the MCM or superseded by other instructions.

b. Updated and modified Chapter II to provide new guidance on conducting preliminary inquiries, courts of inquiry, and expanded benefits under the Uniformed Services Survivor Benefit Plan in line of duty determinations.

c. Streamlined the procedures and guidance for conducting admiralty incident investigations when litigation is anticipated and consolidated the admiralty investigations sections into one chapter. New guidance has been included regarding the definition of what constitutes an admiralty incident and SECNAV's authority to adjudicate admiralty claims up to \$15M.

d. Consolidated and reorganized the old chapters on Immigration and Naturalization into the Legal Assistance chapter.

e. Reduced the number of sections in Chapter XI to provide general guidance only and directed readers to the current references in the Department of Defense customs directive.

### 3. Availability

a. Internet. A PDF version is available on the OJAG website at <http://www.jag.navy.mil/html/JAGVirtualLibrary.htm>.

b. CD ROM. A CD ROM version will soon be distributed to all Navy and Marine Corps Fleet and shore commands listed in the Standard Naval Distribution List Parts 1 and 2 commencing the first week of May. It will be available through the supply system under stock number 0693-LD-102-7141 at no charge. Requestors are limited to no more than 10 copies.

4. Recommended changes. Recommended changes should be forwarded to the Office of the Judge Advocate General, Administrative Law Division (Code 13), 1322 Patterson Avenue, SE, Suite 3000, Washington Navy Yard, DC, 20374-5066. Under reference (f), Code 13 is responsible for regular review, editing as appropriate, and publishing the JAGMAN.

5. Point of Contact. Please contact LT Chuck Le Moyne at 703-601-1147, DSN 329-1147, or E-mail [Chuck.Lemoyne@navy.mil](mailto:Chuck.Lemoyne@navy.mil), Code 13's new JAGMAN action officer.

/s/

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CAPT, JAGC, USN